

manner wherein they can be visually presented to and viewed by a customer such that the customer can actually visually select his/her desired beverage container prior to the vend operation. The vend operation includes transferring the visually selected beverage container from the container queue in its same upright standing condition, to a robotic assembly and transferring the container, still in the upright condition, by the robotic assembly to the vending machine delivery port. The entire operation is performed without rolling or jarring or tipping the container or subjecting the container to severe impact forces. The container is gently moved in its upright condition, and when transfer between the container queue and the robotic assembly is effected, such transfer is accomplished by means of a simple sliding motion, having minimal effect upon the contents of the container.

The claimed process is neither disclosed nor taught by Taylor. The customer cannot visually view the products available for vending prior to selection of his/her choice. Such ability to visually review and select a product is a significant marketing tool in the vending industry that has been used with significant success for hard packaged snack-type goods. However, the same principles have not generally been found to be very workable with the vending of beverages, due to the difficulties associated with vending beverages in a manner that is also visually appealing during the vend process. The Taylor configuration stores the containers on their sides, and rolls the containers onto the elevator collector assembly. Such configuration does not allow the containers to be stood up in a manner that would allow them to be arranged so that their brand labels are visible to the customer for his marketing/selection process. Further, the Taylor configuration cannot satisfy Applicants' claim language requiring the container to be moved, transferred and carried from the queue to the delivery port – all in an upright standing manner and without subjecting the container to impact forces that "shake" its contents.

Clearly, Taylor does not anticipate the amended independent claims 1, 27, 37 or 65 of the application as now presented. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections are respectfully solicited.

The Examiner has further rejected the claims under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. in view of Trouteaud et al. and/or in view of Taylor and Spamer. Applicants submit that these rejections are also improper, since the combined teachings of the cited references do not describe Applicants' invention as now recited in the claims. As stated above with respect to Taylor, there are no teachings in Taylor as to how one would configure a vending system to allow visual selection and gentle upright carrying of the selected container from its selection queue to the delivery port. Taylor discloses and teaches how to roll a container

on its side and how to roll the container from the elevator mechanism to the delivery port. All of these motions have an agitating effect upon the contents of the container. Trouteaud does not relate to liquid beverages, but addresses the vending of frozen packages from spring-loaded cartridges. The contents of such containers do not care whether they are subjected to impact or jarring forces during the vending process. There are no teachings in Trouteaud as to how or why one would want to exercise any special care in the vending process so as to insure maintenance of the container being vended, in an upright/standing position. As a matter of fact, the container of Trouteaud is physically tipped over and dumped from its elevator assembly into the delivery chute of the vending machine. If such container were in fact a bottled beverage, the contents would be severely agitated by such a move. Accordingly, there are neither disclosures nor teachings in Taylor or Trouteaud or any of the other art of record that would lead one skilled in the art to configure a vending machine and vending machine delivery system in the manner now described by Applicants' independent claims remaining in the application. Further, if one were to somehow combine the teachings of Taylor and Trouteaud as suggested by the Examiner, Applicants' claimed invention would not result therefrom.

Applicants submit that they have made a contribution to the art which should be recognized by the allowance of claims commensurate in scope with their invention. Applicants believe that all the claims remaining in the application do in fact describe their invention in such clear, concise and exact terms and in a novel and unobvious manner over the known art, and respectfully request reconsideration and allowance of all claims remaining in the application.


For the above reasons, Applicants submit that their invention is novel and is not rendered obvious by any of the teachings of the cited or known art. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejections and passage of all claims remaining in the application onto allowance.

If the Examiner has any questions regarding this Amendment and Response or remarks made herein, he is respectfully requested to telephone the Applicants' undersigned attorney Charles E. Golla at 612-336-4786 to discuss any questions or issues he may have.

Respectfully submitted,

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